

Bereskin & Parr

INTELLECTUAL PROPERTY LAW

March 29, 2010

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Your Reference: 10/568,729
Our Reference: 15289-8

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A

BY ELECTRONIC FILING

Dear Sirs:

Re: Filing of an Information Disclosure Statement
U.S. Patent Application No. 10/568,729
Entitled: Epitope Protection Assay and Method for Detecting Protein Conformations
Applicant: Neil R. Cashman
Group Art No.: 1649

In accordance with 37 CFR 1.97 and 1.98, and in recognition of the duty of disclosure set forth in 37 CFR 1.56, Applicant hereby submits a Supplementary Information Disclosure Statement on Form PCT/SB/08a containing a listing of publications of which Applicant is aware. Applicant is also submitting the foreign patent and non-patent references listed on the Information Disclosure Statement.

In accordance with provisions of M.P.E.P. §2001.06(b) and 37 C.F.R. §1.98(b)(3), Applicants would like to bring to the attention of the Examiner the existence of the co-pending patent application(s) and patent(s) identified below, which were filed in United States Patent and Trademark Office:

Application No./Patent No.	Date Filed	First Inventor	Attorney No.	Docket
11/367,609, Patent No. 7,439,324	Aug. 15, 2008	Neil Cashman	15289-14	
12/236,731	Sept. 24, 2008	Neil Cashman	15289-26	

The pending U.S. applications are stored in the Image File Wrapper (IFW) system of USPTO. Accordingly, a copy of the cited specification, including the claims and drawings thereof, is available through USPTO PAIR. The Applicants provides a list of Office Actions, Amendments, Responses and other correspondence from the prosecution in Appendix A. As these documents are available through USPTO PAIR copies have not been included. If the Examiner would prefer that copies be provided, the Applicant would be happy to oblige.

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TORONTO MISSISSAUGA WATERLOO MONTRÉAL



In addition, the Applicant wishes to bring to the attention of the Examiner the existence of the co-pending patent application(s) identified below, which were filed in the European and Japanese Patent Offices and the PCT Receiving Office and which are under prosecution. The Applicant provides copies of correspondence for these pending applications, translated into English when necessary, as listed in Appendix B.

Country/Region	App. No.	Filing Date
European	04761667.7	Aug. 20, 2004
Japan	2006-523496	Aug. 20, 2004
WO	PCT/CA/2004/001503	Aug. 20, 2004
Australia	2004266324	Aug. 20, 2004

In addition, the Applicant wishes to bring to the attention of the Examiner the existence of references listed in the Search Report concerning PCT/CA/2004/001503, mailed on December 12, 2004. The PCT search authority has identified these references as documents defining the general state of the art which is not considered to be of particular relevance. Two references are in French and are not provided. The Applicant does not provide translations of these two documents, as translations are not within the possession, custody or control of, or readily available to the Applicant.

The Examiner is requested to indicate consideration of these documents by initialing the appropriate column.

Applicant reserves the right to contest the applicability of any of these documents as prior art against the subject application. If the Examiner has any questions concerning this Information Disclosure Statement, he/she is requested to contact the undersigned. Entry of the enclosed Information Disclosure Statement is believed to be in order and is respectfully requested.

This Information Disclosure Statement is being filed after the issuance of a first official action, and therefore the fee of \$180.00 is required pursuant to 37 CFR 1.17(p). Please charge our Deposit account no. 02-2095.

Consideration of the cited documents and making the same of record in the prosecution of the above-referenced application are respectfully requested.

Respectfully submitted,

Bereskin & Parr LLP/S.E.N.C.R.L., s.r.l



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APPENDIX A

CORRESPONDENCE FROM THE PROSECUTION OF PATENT APPLICATIONS			
Examiner's Initials	Application Number	Pair Date	Document
	11/367,609	06/16//2008	Notice of Allowance
	11/367,609	04/16/2008	Final Rejection
	11/367,609	01/24/2008	Response to Non-Final Action
	11/367,609	10/25/2007	Non-Final Rejection
	11/367,609	04/17/2006	Preliminary Amendment
	12/236,731	03/01/2010	Notice of Allowance
	12/236,731	12/18/2009	Response to non-Final Action
	12/236,731	09/22/2009	Non-Final Rejection
	12/236,731	12/15/2008	Preliminary Amendment

APPENDIX B

CORRESPONDENCE FROM THE PROSECUTION OF FOREIGN PATENT APPLICATIONS				
Examiner's Initial	Country	Application Number	Date	Document
	Japan	2006-523496	01/05/2010	Office Action
	Australia	2004266324	10/07/2009	Office Action
	EU	04761667.7	21/09/2009	Supplementary European Search Report and Opinion
	WO	PCT/CA/2004/001503 (WO 2005/019828)	02/03/2006	International Preliminary Opinion on Patentability
	WO	PCT/CA/2004/001503 (WO 2005/019828)	24/12/2004	International Search Report